

US EPA ARCHIVE DOCUMENT

Rec: 4/13/93

STATE LEGISLATION CHECKLIST

State Oklahoma
 Title(s) of Legislation OKla. Haz. Waste Disposal Act Date Enacted 1976
OKla. Open Records Act Date Enacted 1985
 _____ Date Enacted _____
 Reviewed by _____ DATE _____

STATUTORY ELEMENT	STATE CITE	COVERAGE YES/NO?	COMMENT
-------------------	------------	------------------	---------

DEFINITIONS

The State needs the authority to define the following terms in a manner at least as stringent as the Federal program. If definitions of these terms appear in State statutes, they must be at least as stringent as the analogous Federal Statutory or regulatory definition.

Disposal	63 O.S. §1-2002 63 O.S. §1-2005(A)	Yes	Generalized stat. def. refined by regulator adoption by ref. of fed. def.
Generator	63 O.S. §1-2005(A)	"	Fed. def. adopted by ref.
Hazardous Waste*	63 O.S. §1-2002 63 O.S. §1-2005(A)	"	Generalized stat. def. refined by regulatory adoption by ref. of fed. def.
Manifest	63 O.S. §1-2005(A)	"	Fed. def. adopted by ref.
Person	63 O.S. §1-2002	"	State def. at least as inclusive as fed. def.
Storage	63 O.S. §1-2005(A)	"	Fed. def. adopted by ref.
Transport	"	"	"
Treatment	63 O.S. §1-2002 63 O.S. §1-2005(A)	"	Generalized stat. def. refined by regulator adoption by reference of fed. def.
Treatment, Storage or Disposal Facility	63 O.S. §1-2002	"	State definitions at least as inclusive as federal.
Waste (Solid)	63 O.S. §1-2005(A)	"	Fed. def. adopted by ref.

* Note that the State must have authority to regulate the recycling and reuse of hazardous waste in a manner at least as stringent as the Federal program does.

HAZARDOUS WASTE IDENTIFICATION AND LISTING - [See 40 CFR §271.9]

Authority for:	STATE CITE	COVERAGE YES/NO?	COMMENT
1. HW characteristics	63 O.S. §1-2005(A)	Yes	Fed. rules adopted by ref.
2. HW list	"	"	"

STATUTORY ELEMENT	STATE CITE	COVERAGE YES/NO?	COMMENT
-------------------	------------	------------------	---------

STANDARDS FOR GENERATORS - [See 40 CFR §271.10]

The State needs the authority to regulate all generators EPA regulates under 40 CFR Part 262.

Authority to promulgate regulations on:			
1. I.D. Numbers	63 O.S. §1-2005(A)	Yes	Fed. rules adopted by ref.
2. Requiring generator to determine whether waste is hazardous	"	"	"
3. Recordkeeping practices	"	"	"
4. Packaging, labeling, marking and placarding practices	"	"	"
5. Use of appropriate containers	"	"	"
6. Furnishing information	"	"	"
7. Use of manifest consistent with DOT and EPA	"	"	Fed. rules adopted by ref. See also 63 O.S. §1-2010.
8. International Shipments	"	"	Fed. rules adopted by ref.
9. Designation of and delivery to permitted facilities	"	"	Fed. rules adopted by ref. See also 63 O.S. §§ 1-2009.1 and 1-2010.
10. Investigation of unreturned shipments	"	"	Fed. rules adopted by ref.
11. Submission of reports	"	"	"

STANDARDS FOR TRANSPORTERS - [See 40 CFR §271.11]

The State needs the authority to regulate all transporters EPA regulates under 40 CFR Part 263.

Authority to promulgate regulations on:			
1. I.D. numbers	63 O.S. §1-2005(A)	Yes	Fed. rules adopted by ref.
2. Recordkeeping	"	"	"
3. Labeling	"	"	"
4. Compliance with manifest system	"	"	Fed. rules adopted by ref. See also 63 O.S. §1-2010.
5. Spill notification	"	"	Fed. rules adopted by ref. See also State Rule 310:270-13-2.
6. Spill clean-up	"	"	"

STATUTORY ELEMENT	STATE CITE	COVERAGE YES/NO?	COMMENT
7. Transportation to permitted facility	"	"	Fed. rules adopted by ref.
8. Consistency with DOT regulations	"	"	"

STANDARDS FOR HW STORAGE, TREATMENT, AND DISPOSAL FACILITIES - [See 40 CFR §271.12]

The State needs the authority to regulate all of the owners and operators of hazardous waste management facilities whom EPA regulates.

Authority to promulgate regulations on:

1. I.D. numbers	63 O.S. §1-2005(A)	Yes	Fed. rules adopted by ref.
2. Recordkeeping	"	"	"
3. Reporting	"	"	"
4. Monitoring	"	"	"
5. Inspecting	"	"	"
6. Compliance with manifest system	"	"	Fed. rules adopted by ref. See also 63 O.S. § 1-2010.
7. Operating methods	"	"	Fed. rules adopted by ref.
8. Location, design, construction	"	"	"
9. Contingency plans	"	"	"
10. Training	"	"	"
11. Ownership	"	"	"
12. Closure and Post-Closure activities	"	"	Fed. rules adopted by ref. See also 63 O.S. § 1-2009.
13. Continuity of operation	"	"	Fed. rules adopted by ref.
14. Financial responsibility	63 O.S. §1-2005(A) 63 O.S. § 1-2008	"	"
15. General conditions (see 40 CFR §270.30)	63 O.S. §1-2005(A)	"	"

PERMITS FOR HW STORAGE, TREATMENT AND DISPOSAL FACILITIES - [See 40 CFR §271.15 and 271.13]

1. Require permits for owners and operators of all TSD facilities	63 O.S. §1-2005(A)	Yes	Fed. rules adopted by ref. See also 63 O.S. § 1-2009.1.
2. Impose construction ban	"	"	Fed. rules adopted by ref.

STATUTORY ELEMENT	STATE CITE	COVERAGE YES/NO?	COMMENT
3. Prohibit operation of facilities without permits (State may have an analogue to interim status)	"	"	Fed. rules adopted by ref. See also 63 O.S. §§ 1-2006, 1-2008, 1-2009.1
4. Require permit application information	"	"	"
5. Require permits to contain all technical and administrative standards	"	"	"
6. Provide for permit modifications and termination (revocation)	"	"	"
7. Allow public disclosure of name and address of permit applicants and permittees	"	"	"

PUBLIC PARTICIPATION

Authority to provide:			
1. Draft permit, fact sheet, etc.	63 O.S. § 1-2005(A)	Yes	Fed. rules adopted by ref.
2. Notice of all draft permits by radio broadcasts and notices in newspapers etc.	"	"	Fed. rules adopted by ref. See also 63 O.S. § 1-2006.
3. 45-day public comment period on all draft permits	"	"	"
4. Informal hearing with written notice of opposition	"	"	"
5. Consideration of and response to public comments	"	"	"

INSPECTIONS

1. Right to enter, inspect and obtain samples (at all regulated premises and where records are kept)	63 O.S. § 1-106 63 O.S. § 1-2004	Yes	-
--	-------------------------------------	-----	---

ENFORCEMENT - [See 40 CFR §273.16]

Authority to:			
1. Immediately restrain unauthorized activity	63 O.S. § 1-2012 63 O.S. § 1-2012.1	Yes	-
2. Sue to enjoin any threatened or continuing program violation without prior revocation of permit	"	"	-

STATUTORY ELEMENT	STATE CITE	COVERAGE YES/NO?	COMMENT
3. Obtain civil penalties for any violation (maximum no less than \$10K per day)	"	"	—
4. Obtain criminal penalties for specified violations (maximum no less than \$10K per day and imprisonment with maximum no less than six months); burden of proof no greater than under Federal law	63 O.S. §1-2011.	"	—
5. Allow intervention (see 40 CFR §271.16(d))	63 O.S. §1-2013.1	"	—

MISCELLANEOUS

1. Authority to share all information with EPA	51 O.S. §5-24A.1	Yes	See also State rule 310:270-13-1
2. Variance and waiver provisions*	N/A	N/A	N/A
3. Importation ban*	N/A	N/A	N/A
4. Exemptions*	N/A	N/A	N/A
5. Siting*	63 O.S. §1-2014	—	Based on health and safety considerations.

* May create problems for a State seeking authorization.

Rec: 4/13/93

STATE LEGISLATION CHECKLIST

State Oklahoma
 Title(s) of Legislation OKla. Haz. Waste Disposal Act Date Enacted 1976
OKla. Open Records Act Date Enacted 1985
 _____ Date Enacted _____
 Reviewed by _____ DATE _____

STATUTORY ELEMENT	STATE CITE	COVERAGE YES/NO?	COMMENT
-------------------	------------	------------------	---------

DEFINITIONS

The State needs the authority to define the following terms in a manner at least as stringent as the Federal program. If definitions of these terms appear in State statutes, they must be at least as stringent as the analogous Federal Statutory or regulatory definition.

Disposal	63 O.S. § 1-2002 63 O.S. § 1-2005(A)	Yes	Generalized stat. def. refined by regulatory adoption by ref. of fed. def. ✓
Generator	63 O.S. § 1-2005(A)	"	Fed. def. adopted by ref. ✓
Hazardous Waste*	63 O.S. § 1-2002 63 O.S. § 1-2005(A)	"	Generalized stat. def. refined by regulatory adoption by ref. of fed. def. ✓
Manifest	63 O.S. § 1-2005(A)	"	Fed. def. adopted by ref. ✓
Person	63 O.S. § 1-2002	"	State def. at least as inclusive as fed. def. ✓
Storage	63 O.S. § 1-2005(A)	"	Fed. def. adopted by ref. ✓
Transport	"	"	" ✓
Treatment	63 O.S. § 1-2002 63 O.S. § 1-2005(A)	"	Generalized stat. def. refined by regulatory adoption by reference of fed. def. ✓
Treatment, Storage or Disposal Facility	63 O.S. § 1-2002	"	State definitions at least as inclusive as federal. ✓
Waste (Solid)	63 O.S. § 1-2005(A)	"	Fed. def. adopted by ref. ✓

* Note that the State must have authority to regulate the recycling and reuse of hazardous waste in a manner at least as stringent as the Federal program does.

HAZARDOUS WASTE IDENTIFICATION AND LISTING - [See 40 CFR §271.9]

Authority for:	STATE CITE	COVERAGE YES/NO?	COMMENT
1. HW characteristics	63 O.S. § 1-2005(A)	Yes	Fed. rules adopted by ref. ✓
2. HW list	"	"	" ✓

STATUTORY ELEMENT	STATE CITE	COVERAGE YES/NO?	COMMENT
-------------------	------------	------------------	---------

STANDARDS FOR GENERATORS - [See 40 CFR §271.10]

The State needs the authority to regulate all generators EPA regulates under 40 CFR Part 262.

Authority to promulgate regulations on:			
1. I.D. Numbers	63 O.S. §1-2005(A)	Yes	Fed. rules adopted by ref. ✓
2. Requiring generator to determine whether waste is hazardous	"	"	" ✓
3. Recordkeeping practices	"	"	" ✓
4. Packaging, labeling, marking and placarding practices	"	"	" ✓
5. Use of appropriate containers	"	"	" ✓
6. Furnishing information	"	"	" ✓
7. Use of manifest consistent with DOT and EPA	"	"	Fed. rules adopted by ref. See also 63 O.S. §1-2010. ✓
8. International Shipments	"	"	Fed. rules adopted by ref. ✓
9. Designation of and delivery to permitted facilities	"	"	Fed. rules adopted by ref. See also 63 O.S. §§ 1-2007.1 and 1-2010. ✓
10. Investigation of unreturned shipments	"	"	Fed. rules adopted by ref. ✓
11. Submission of reports	"	"	" ✓

STANDARDS FOR TRANSPORTERS - [See 40 CFR §271.11]

The State needs the authority to regulate all transporters EPA regulates under 40 CFR Part 263.

Authority to promulgate regulations on:			
1. I.D. numbers	63 O.S. §1-2005(A)	Yes	Fed. rules adopted by ref. ✓
2. Recordkeeping	"	"	" ✓
3. Labeling	"	"	" ✓
4. Compliance with manifest system	"	"	Fed. rules adopted by ref. See also 63 O.S. §1-2010. ✓
5. Spill notification	"	"	Fed. rules adopted by ref. See also State Rule 310:270-13-2. ✓
6. Spill clean-up	"	"	" ✓

STATUTORY ELEMENT	STATE CITE	COVERAGE YES/NO?	COMMENT
7. Transportation to permitted facility	"	"	Fed. rules adopted by ref. ✓
8. Consistency with DOT regulations	"	"	" ✓

STANDARDS FOR HW STORAGE, TREATMENT, AND DISPOSAL FACILITIES - [See 40 CFR §271.12]

The State needs the authority to regulate all of the owners and operators of hazardous waste management facilities whom EPA regulates.

Authority to promulgate regulations on:			
1. I.D. numbers	63 O.S. §1-2005(A)	Yes	Fed. rules adopted by ref. ✓
2. Recordkeeping	"	"	" ✓
3. Reporting	"	"	" ✓
4. Monitoring	"	"	" ✓
5. Inspecting	"	"	" ✓
6. Compliance with manifest system	"	"	Fed. rules adopted by ref. See also 63 O.S. § 1-2010. ✓
7. Operating methods	"	"	Fed. rules adopted by ref. ✓
8. Location, design, construction	"	"	" ✓
9. Contingency plans	"	"	" ✓
10. Training	"	"	" ✓
11. Ownership	"	"	" ✓
12. Closure and Post-Closure activities	"	"	Fed. rules adopted by ref. See also 63 O.S. § 1-2009. ✓
13. Continuity of operation	"	"	Fed. rules adopted by ref. ✓
14. Financial responsibility	63 O.S. §1-2005(A) 63 O.S. § 1-2008	"	" ✓
15. General conditions (see 40 CFR §5270.30)	63 O.S. §1-2005(A)	"	" ✓

PERMITS FOR HW STORAGE, TREATMENT AND DISPOSAL FACILITIES - [See 40 CFR §271.12 and 271.13]

1. Require permits for owners and operators of all TSO facilities	63 O.S. §1-2005(A)	Yes	Fed. rules adopted by ref. See also 63 O.S. § 1-2009.1. ✓
2. Impose construction ban	"	"	Fed. rules adopted by ref. ✓

6/8

STATUTORY ELEMENT	STATE CITE	COVERAGE YES/NO?	COMMENT
3. Prohibit operation of facilities without permits (State may have an analogue to interim status)	"	"	Fed. rules adopted by ref. See also 63 O.S. §§ 1-2006, 1-2008, 1-2009.1
4. Require permit application information	"	"	"
5. Require permits to contain all technical and administrative standards	"	"	"
6. Provide for permit modifications and termination (revocation)	"	"	"
7. Allow public disclosure of name and address of permit applicants and permittees	"	"	"

PUBLIC PARTICIPATION

Authority to provide:

1. Draft permit, fact sheet, etc.	63 O.S. § 1-2005(A)	Yes	Fed. rules adopted by ref.
2. Notice of all draft permits by radio broadcasts and notices in newspapers etc.	"	"	Fed. rules adopted by ref. See also 63 O.S. § 1-2006.
3. 45-day public comment period on all draft permits	"	"	"
4. Informal hearing with written notice of opposition	"	"	"
5. Consideration of and response to public comments	"	"	"

INSPECTIONS

1. Right to enter, inspect and obtain samples (at all regulated premises and where records are kept)	63 O.S. § 1-106 63 O.S. § 1-2004	Yes	
--	-------------------------------------	-----	--

ENFORCEMENT - [See 40 CFR § 271.16]

Authority to:

1. Immediately restrain unauthorized activity	63 O.S. § 1-2012 63 O.S. § 1-2012.1	Yes	
2. Sue to enjoin any threatened or continuing program violation without prior revocation of permit	"	"	

STATUTORY ELEMENT	STATE CITE	COVERAGE YES/NO?	COMMENT
3. Obtain civil penalties for any violation (maximum no less than \$10K per day)	"	"	—
4. Obtain criminal penalties for specified violations (maximum no less than \$10K per day and imprisonment with maximum no less than six months); burden of proof no greater than under Federal law	63 O.S. §1-2011.	"	—
5. Allow intervention (see 40 CFR §271.16(d))	63 O.S. §1-2013.1	"	—

MISCELLANEOUS

1. Authority to share all information with EPA	51 O.S. §5 24A.1	Yes	See also State rule 310:270-13-1
2. Variance and waiver provisions*	N/A	N/A	N/A
3. Importation ban*	N/A	N/A	N/A
4. Exemptions*	N/A	N/A	N/A
5. Siting*	63 O.S. §1-2014	—	Based on health and safety considerations

* May create problems for a State seeking authorization.